UNITED STATES PATENT AND TRADEMARK OFFICE

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EKONG, EMEM

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 November 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,4-11,13 and 19-40</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,4-11,13 and 19-40</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>06 November 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Specification

1.   The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed. The Examiner suggests:

COMMUNICATION SYSTEM FOR CHARGING A COMMUNICATION SESSION.

Response to Arguments

2.   Applicant's arguments with respect to arguments filled on 04/16/2007 have been

considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

3.   The indicated allowability of claims 1, and 4-11 is withdrawn in view of the newly

discovered reference(s) US Patent No. 7,237,255 B2 to Fransdonk. Rejections based

on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 13, 19, and 41 are rejected under 35 U.S.C. 102(e) as being anticipated

by US Patent No. 7,237,255 B2 to Fransdonk.

Regarding claim 13, Fransdonk discloses a method comprising, storing in a first

memory (i.e. server 36, see figs. 2 and 25, and col. 41 lines 35-45), information

identifying one of a plurality of charging node associated with a communication session

of a communications system as a default charging node for said session (col. 41 lines

45-54, and col. 42 lines 56-65); and sending charging information for said session from

a first communications node (i.e. content provider 16, content distributor 20) to said

default charging node when available (col. 41 lines 14-30, and col. 42 lines 56-65).

Regarding claim 19, Fransdonk discloses a gateway communication node

(content distributor 20), comprising a memory configured to store information (col.3 line

63-col. 4 line 5) identifying a default charging node associated with a communication

session to which said node is to send charging information for said session (col. 3 lines

63-65, and col. 4 lines 5-11) wherein said node is configured to send charging

information for said session to said default charging node when said default node is

available (col. 4 lines 5-11, col. 41 lines 10-30, and col. 42 lines 56-65).

Regarding claim 41, Fransdonk discloses a node (i.e. content provider 16)

comprising: means for storing (i.e. server 36, see figs. 2 and 25, and col. 41 lines 35-45)

information identifying a default charging node associated with a communication

session (col. 41 lines 45-54, and col. 42 lines 56-65) to which said node is to send

charging information for said session (col. 41 lines 10-30); and means (see fig. 2,

content provider server 34) for sending said charging information for said session to

send default charging node when said default charging node is available (col. 41 lines

14-30, and col. 42 lines 56-65).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

    1.   Determining the scope and contents of the prior art.
    2.   Ascertaining the differences between the prior art and the claims at issue.
    3.   Resolving the level of ordinary skill in the pertinent art.
    4.   Considering objective evidence present in the application indicating
            obviousness or nonobviousness.

8.   Claims 1, and 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U. S. Patent No. 6,785,535 B2 to Lucidarme et al (Lucidarme) in view of

Fransdonk.

        Regarding claim 1, Lucidarme discloses a communications system comprising: a

first communications node (GGSN); a second communications node (SGSN); a plurality

of charging nodes (CGF); and a memory (see figure1, col. 3 lines 24-39, col. 4 lines 15-

28, a CGF entity 34 may be incorporated into a GGSN or SGSN, or form a separate

unit, this indicates a memory in the GSNs); said first node comprising means for

sending charging information to at least one of said charging nodes, said second node

comprises means for sending charging information to at least one of said charging

nodes (col. 4 line 15-col. 5 line 2).

However, Lucidarme fails to disclose wherein said memory comprising means for

storing information identifying one of said charging nodes as being a default charging

node for a communication session; said first node and said second node are arranged

to send respective charging information for said session to said default charging node

using said information stored in said memory, if said default charging node is available.

Fransdonk discloses wherein said memory comprising means (i.e. server 36, see

figs. 2 and 25, and col. 41 lines 35-45) for storing information identifying one of said

charging nodes as being a default charging node for a communication session (col. 41

lines 45-54, and col. 42 lines 56-65). Fransdonk further discloses first node and second

node (i.e. content provider 16 content distributor 20) arranged to send respective

charging information for said session to said default charging node using said

information stored in said memory if said default charging node is available (col. 41 lines

14-30, and col. 42 lines 56-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the invention of Lucidarme, and have said memory

comprising means for storing information identifying one of said charging nodes as

being a default charging node for a communication session; and said first node and said

second node are arranged to send respective charging information for said session to

said default charging node using said information stored in said memory if said default

charging node is available as disclosed by Fransdonk for the purpose of identifying a

default charging node used for billing transactions.

Regarding claims 4-10, the combination of Lucidarme and Fransdonk discloses a

communications system as claimed in claim 1, wherein said communications system is

a UMTS architecture communications system; wherein said communications system is

a GPRS architecture communications system; wherein said first communications node

is a gateway GPRS service node; wherein said second communications node is a

serving GPRS support node; wherein said at least one charging node comprises a

charging gateway function; and said at least one charging node is a charging gateway;

wherein said memory is located within said first or said second communications node

(Lucidarme, see figure 1, and col. 4 lines 27-29).

9.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Lucidarme in view of Fransdonk, and further in view of U. S. Publication No.

2005/0047378 A1 to Wuschke et al..

Regarding claim 11, the combination of Lucidarme and Fransdonk discloses a

communications system as claimed in claim 10, further comprising a second memory

located within the other of said first or second communications (Fransdonk, col. 3 line

63). However, the combination fails to disclose wherein said second memory is arranged to store information identifying at least one of said charging nodes further comprising a second and said second memory is arranged so that the value stored in said memory is synchronised with the value stored in said second memory.

Wuschke et al. discloses second memory is arranged to store information identifying at least one of said charging nodes further comprising a second and said second memory is arranged so that the value stored in said memory is synchronised with the value stored in said second memory (pars. 0007-0010).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination, and have second memory arranged to store information identifying at least one of said charging nodes further comprising a second and said second memory is arranged so that the value stored in said memory is synchronised with the value stored in said second memory as disclosed by Wuschke et al. for the purpose of correlating information.

10.   Claims 20-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fransdonk in view of Wuschke et al.

Regarding claims 20-40, Fransdonk discloses a node as claimed in claim 19, wherein said node is arranged to send said information identifying said charging node in said memory to a second node, however, Fransdonk fails to disclose wherein said node is a GGSN; said node being arranged to generate charging information for a packet data connection (PDP), and to select said default charging node in dependence on the

communication session (GPRS) with which said packet data connection (PDP) is

associated; wherein said information identifying said default charging node is stored in

said memory (CG1) in response to creating a first packet data connection (PDP) for said

communication session; comprising means for sending generated charging information

of said session to said default charging node (CG1); comprising sending means for

sending generated charging information to a secondary charging node (CG2) if said

default charging node (CG1) is not reachable, wherein said secondary charging node

(CG2) is a currently active charging node for said node (GGSN); comprising means for

selecting a charging node being currently determined as an active charging node for

said node (GGSN) and storing in said memory said active charging node as said default

charging node to be associated with said communication session;   comprising means

for instructing a second node (SGSN) said assigned default charging node (CG1) for

said session; wherein said session (GPRS) comprises a plurality of packet data

connections (PDP); wherein said charging information comprises a charging data

record.

Wuschke et al. discloses wherein said node is a GGSN; said node being

arranged to generate charging information for a packet data connection, and to select

said default charging node in dependence on the communication session with which

said packet data connection is associated; wherein said information identifying said

default charging node is stored in said memory in response to creating a first packet

data connection for said communication session; comprising means for sending

generated charging information of said session to said default charging node;

comprising sending means for sending generated charging information to a secondary

charging node if said default charging node is not reachable, wherein said secondary

charging node is a currently active charging node for said node;comprising means for

selecting a charging node being currently determined as an active charging node for

said node and storing in said memory said active charging node as said default

charging node to be associated with said communication session; comprising means for

instructing a second node (SGSN) said assigned default charging node for said session;

wherein said session (GPRS) comprises a plurality of packet data connections; wherein

said charging information comprises a charging data record(see figure 1, and pars.

0004-0012).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the invention of Fransdonk, and have said node be a

GGSN; said node being arranged to generate charging information for a packet data

connection for the purpose of charging communication nodes.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to EMEM EKONG whose telephone number is 571 272

8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lester Kincaid can be reached on 571 272 7922. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EE
06/27/2007

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SUPERVISORY PRIMARY EXAMINER